

# United States Court of Appeals For the First Circuit

No. 08-1575

ALBERT L. GRAY, Administrator of the Estate of Derek J. Gray, and on behalf of J.  
L. G., minor child of the decedent, Derek J. Gray, ET AL.

Plaintiffs - Appellants

v.

SURPLEX UNDERWRITERS INC.

Defendant - Appellee

No. 08-1590

ESTATE OF JUDE B. HENAULT, ET AL.

Plaintiffs - Appellants

v.

SURPLEX UNDERWRITERS INC.

Defendant - Appellee

No. 08-1592

BARBARA GUINDON, ET AL.

Plaintiffs - Appellants

MICHELLE SPENCE, individually and as mother and next friend of H.S., a minor

Plaintiff

v.

SURPLEX UNDERWRITERS INC.

Defendant - Appellee

No. 08-1594

TAMMY PASSA, ET AL.

Plaintiffs - Appellants

v.

SURPLEX UNDERWRITERS INC.

Defendant - Appellee

---

**JUDGMENT**

Entered: July 2, 2009  
Pursuant to 1st Cir. R. 27.0(d)

As the parties to these appeals have informed the court that they have reached a settlement agreement, the joint motion to dismiss these appeals without prejudice pursuant to Fed. R. App. P. 42(b) is granted. The dismissal is without prejudice to reinstatement in the event that the district court does not approve the settlement. Reinstatement shall be by notice filed by the appellants and served on appellees within 14 days of the district court's denial of a motion to approve the settlement, but in any event no later than **October 30, 2009** (unless additional time for settlement approval is required, and requested by motion made to this court). If no notice of reinstatement is filed within 14 days of the district court's denial of the motion to approve the settlement, but in any event by **October 30, 2009** (subject to a motion for extension, as described above), the dismissal shall be with prejudice. Mandate shall issue forthwith.

By the Court:

/s/ Richard Cushing Donovan, Clerk.

cc:  
Counsel of Record